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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,490	01/21/2004	Akira Tokai	1082.1066	3236
21171	7590	04/21/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			COLON, GERMAN	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/760,490	Applicant(s) TOKAI ET AL.	
	Examiner German Colón	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. The Amendment, filed on January 28, 2005, has been entered and acknowledged by the Examiner.
2. Addition of claims 11-13 has been entered.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (US 6,612,889) in view of Pfaender et al. (US 3,602,754).

Regarding claims 12 and 13, Green discloses a method and an apparatus for forming a phosphor layer in a gas discharge tube (see at least Figs. 1 and 2), comprising:

forming a phosphor layer 300 (see Col. 9, line 14) on a surface of a supporting member 40 (50); and

inserting the supporting member having the phosphor layer thereon into the gas discharge tube (see Figs. 3A-3J); and using the glass discharge tube having the inserted supporting member therein in a display device. Green discloses the supporting member having a cylindrical shape (see Col. 7, line 61 and Col. 10, line 52) but is silent regarding the limitation of the method comprising "drawing a mother material to fabricate the supporting member".

However, in the same field of endeavor, Pfaender discloses a method of forming cylindrical members for gas discharge devices comprising drawing a mother material to fabricate said cylindrical members and teaches said method to provide complex glass panel structures with a high degree of precision and at relatively low cost; said structural precision reduces variations of operating or discharge voltages in the plurality of discharge regions of the device; while eliminates possible structural stresses due to fluctuation in ambient pressure differentials (see Col. 2, lines 1-4 and 25-31). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the supporting members of Green by the method of drawing a mother material, in order to provide complex glass panel structures with a high degree of precision and at relatively low cost; said structural precision reduces variations of operating or discharge voltages in the plurality of discharge regions of the device; while eliminates possible structural stresses due to fluctuation in ambient pressure differentials.

*Allowable Subject Matter*

5. Claims 1-11 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 4-7 are allowable for the reasons given in the Office Action mailed 11/02/2004.

Regarding claim 1, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in the claim, and specifically comprising the limitation of inserting the supporting member having the phosphor layer thereon into the gas discharge tube having a discharge gas introduced therein and defining a discharge space.

Regarding claims 2-11, the claims are allowable for the reasons given above, because of their dependency status from claim 1.

7. The rejection of claims 1-3 and 8-10 under Akita et al. (JP 2042-117810) in view of Pfaender et al. (US 3,602,754) has been withdrawn. Applicant's submission of a translation of the foreign priority papers has perfected the foreign priority claim, and accordingly, overcomes this rejection.

#### *Response to Arguments*

8. Applicant's arguments in regards to claims 12 and 13, filed 1/28/2005 have been fully considered but they are not persuasive.

9. Applicant argues that the embodiment of Green fails to disclose or suggest a phosphor layer being formed on a supporting member which is different from a gas discharge tube (having a discharge gas introduced therein).

However, the Examiner notes that new claims 12-13 do not require the supporting member being inserted in a discharge tube having a discharge gas therein, which further defines a discharge space. Based on the claim language, the phosphor layer could be placed either in a region contacting the discharge gas, or on an outside region. Accordingly, Green discloses a supporting member 50 with a phosphor layer 300 formed thereon, wherein the supporting member is inserted in a discharge tube or socket (see Figs. 3A-3J).

For the reasons stated above, the rejection of the claims is deemed proper.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 571-272-2451. The examiner can normally be reached on Monday thru Thursday, from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gc

*Karabi Guharay*